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DEPARTMENT OF STATE

AIRGRAM

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NO.

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HANDLING INDICATOR

TO : SecState WASHINGTON

1963 NOV 2 PM 1 32

FROM : AmEmbassy ATHENS

SUBJECT : 1963 Electoral Law

REF : Embdesp 596, January 13, 1961

RM/AN
ANALYSIS & DISTRIBUTION BRANCH
DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY
DATE: October 29, 1963 6 MAY 1982
RD [illegible] ID [illegible] EXT. DATE
TS [illegible] EXEMPTION(S)
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PA or POL EXEMPTIONS

Attached is a translation of the Greek electoral law which became effective September 11, 1963, and which will apply in the general elections on November 3, 1963. It establishes a modified proportional representational system with three allocations of seats. By a decision of the Supreme Court which was announced October 26, all political parties are considered as single parties for the forthcoming elections. Therefore, reference in the electoral law to coalitions have only theoretical significance.

Like previous electoral laws, the present law is highly complicated, even in translation it "sounds Greek." The following comments, hopefully, will help highlight the main features of the law.

Article I abolishes the majority system as the electoral system that would have otherwise automatically applied after the next elections. This article also reintroduces the 1961 modified proportional representational system, except for certain changes which are defined in the remaining articles.

Article II deals with preference crosses, i.e., the system by which a voter may indicate preference for one or more candidates on his list by adding a cross against their names. The article, inter alia, gives preferential treatment to a candidate who was both a former Prime Minister and a former deputy. For example, while former Prime Minister Pipinelis, who has never been elected to Parliament, will not receive "automatic" preference crosses, Caramanlis, Papandreou, Venizelos, Tsaldaris, and Canellopoulos will.

1/3/64 Rm/R file

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Drafted by: JGDay/HDBrewster/fs

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Article V lowers the required percentage of votes for participation of single parties in the second allocation to 10% of the total vote of one of the nine large districts (not of the national vote as provided in the previous law). The percentages for coalitions of two or more parties remain 25% and 30%, respectively, of the national vote. Also, a single party may participate in the second allocation provided "in the first allocation it was awarded a seat in one of the districts comprised in the larger district in question."

Article VI describes the third allocation of seats. The significant new element is that the nation-wide vote by party is utilizedas the basis for calculation rather than simply the votes left over after the first and second allocations, as in 1961. This article also provides that any seats left over after the third allocation would go to the leading party.

Article VII stipulates that the military and civil servants shall vote, on the basis of special electoral registers, for candidates of their place of origin. (In the last elections they voted for candidates of the areas where they were stationed.)

Article X requires the replacement of nomarchs and permits the replacement of the two security chiefs (of the police and gendarmerie) during the electoral campaign. (All have been replaced since the electoral law became effective.)

Article XI permits representatives of the parties to observe the revision of electoral registers by a private firm.

Article XIII postpones municipal elections until after the new parliament meets but not later than four months from that date.

Finally, the law provides that the elections will be held on the basis of the 1961 census. Since this means a shift of 13 seats from more rural to urban areas (A-1212, June 25, 1963) many observers consider that this feature of the law will benefit the Center Union and EDA which have been traditionally stronger in the cities.

For the Chargé d'Affaires a.i.

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Athens, A-464
Enclosure

Source: Official Gazette, Volume A 140, Sept. 11, 1963

Law No. 4322

Amending, Supplementing and Abolishing
Provisions of the Legislation on
The Election of Deputies

Article 1

Paragraph 2, Article 3, of Law 4173/1961 (Paragraph 2, Article 199, of the Royal Decree of Aug. 14, 1961, No. 531, concerning codification of existing provisions of the legislation on the election of Deputies) is hereby abolished.

In elections to be held after promulgation of the present law existing provisions of the electoral legislation shall apply in all respects other than the system of election in regard to which Article 109, 129-136 inclusive and 141 of said Royal Decree 531/1961 are hereby reintroduced to apply as amended and supplemented in the following articles.

Article 2

Article 109 of Royal Decree 531/61 is hereby superseded by the following:

1. Entries and deletions on the ballot shall not be permitted; if made they shall be regarded as non-existant and the ballot shall remain valid subject also to the provision of Article 46, paragraph 2, of Legislative Decree 4274/1962.

2. The voter may indicate his preference on the ballot of a list of candidates by marking a cross against the name of the candidate preferred as follows: in districts where up to ten deputies are elected for one candidate only and in districts electing eleven or more deputies for one or more candidates without restriction.

3. Candidates who have been Prime Ministers and who were elected deputies, as well as the leader of an independent party or leader of a coalition running in the elections shall be deemed to have received as many preference crosses as there are valid ballots cast for the ticket in which they are included.

4. If a ballot of a list of candidates in a district electing up to ten deputies is marked with more than one cross it shall be deemed valid without any of the crosses being taken into account. If, however, there

are two preference crosses one of which was marked against the name of one of the candidates referred to in paragraph 3 of this article the 2nd preference cross in favor of another candidate shall also be taken into account.

5. A preference cross marked in contravention of Article 46, paragraph 3, of Legislative Decree 4274/1962 shall be deemed not to have been recorded subject also to the provisions of paragraph 2 of the selfsame Article and Law.

Article 3

Paragraph 5, Article 132, of Royal Decree 531/1961 and the last section of paragraph 6 of the same Article are hereby abolished and paragraphs 6 and 7 of said Article shall be numbered 5 and 6 respectively.

Article 4

1. Article 13 of Royal Decree 531/1961 is hereby submitted to the following amendments:

a) The phrase "according to paragraphs 4 and 5 of the preceding Article" odcuring in sub-paragraph 1 of paragraph 1 shall be replaced with the phrase "according to the preceding Article".

b) All references in Article 133 to paragraphs 4 and 5 shall be deemed to refer to paragraph 4 only of said Article.

2. The third sub-para of paragraph 1, Article 133, of Royal Decree 531 of August 14, 1961 relating to districts electing two deputies is superseded by the following:

"At all events, in single seat districts the seat shall be occupied by the ticket which received 40% of the total valid votes and which has a plurality over another ticket which may also have secured 40%. In two seat districts the seat which may have remained unallotted (after the first allocation) shall be awarded to the ticket which qualified for the second allocation and secured the other seat in the first allocation provided such ticket presents with the unallotted seat an average of votes per deputy that is higher than the number of votes of any other ticket of the same electoral district participating in the second allocation. In such cases the second paragraph of the present Article shall not apply."

The phrase "at all events the ticket of a single seat district shall retain the seat awarded to it provided it has secured at least 40% of the total number of valid votes" occurring in section a, paragraph 2, Article 133 of Royal Decree 531/1961 is hereby deleted.

Article 5

The following section shall be added to paragraph 3, Article 132, of Royal Decree 531/61:

"A single party shall regardless of the foregoing conditions participate in the second allocation held in a given larger district provided that in the first allocation it was awarded a seat in one of districts comprised in the larger district in question or provided such single party received at least 10% of the total valid vote cast in the larger district."

Third Allocation of Seats

Article 6

1. Seats that may have been left unallotted after the second allocation shall be allotted as follows by the Supreme Supervising Committee provided for by Article 134 of Royal Decree 531/1961 among the parties or coalitions of parties participating in the 2nd allocation in accordance with paragraph 3, Article 132, of said Royal Decree.

The total number of valid votes received throughout the country by each party and coalition participating in the 2nd allocation shall be added up and then divided by the number of seats left unallotted after the 2nd allocation. The quotient resulting from this division shall be the electoral measure for the 3rd allocation.

The total number of valid votes cast throughout the country for each of the parties or coalitions shall then be divided separately by this electoral measure and the quotient resulting from each such division disregarding the fraction shall indicate the number of seats to be given to each of the parties or coalitions in the 3rd allocation.

2. Seats awarded in accordance with the preceding paragraph to each party or coalition shall be allotted as follows:

a) If the 3rd allocation seat to be awarded is only one it shall go to the ticket of the party or coalition concerned in the district to which the seat belongs.

b) If the 3rd allocation seats to be awarded are more than one and if given to one party or coalition they shall be allotted to the ticket of the party or coalition in the electoral districts to which they belong. If these seats are awarded to more than one party or coalition of parties they shall be allotted among them as follows:

The parties or coalitions to which these seats have been awarded shall be listed along with the total number of votes polled throughout the country by each in the order of such electoral strength.

There shall then be ascertained the average number of valid votes per deputy secured by the ticket of the leading party or coalition in each of the electoral districts to which the seats remaining unallotted after the 2nd allocation belong. In other words there shall be ascertained the quotient resulting from dividing the electoral strength of the ticket of the said leading party or coalition in each of these districts by the number of seats awarded to said ticket under the 1st, 2nd and 3rd allocation of seats. The seats awarded to said leading party or coalition under the 3rd allocation shall then be given to those tickets of said electoral districts that present the highest average of valid votes per deputy. After all the seats awarded to the leading party under the 3rd allocation have thus been allotted this procedure shall be repeated in turn with the other parties or coalitions.

3. Any seats remaining unallotted after the 3rd allocation shall be given to the leading party or coalition throughout the country.

4. The seats awarded to each party or coalition under the present Article shall be occupied by their candidates in accordance with the provisions of paragraph 3, Article 130, of Royal Decree 531/1961.

Article 7

A ninth paragraph reading as follows shall be added to Article 47 of Legislative Decree 4274/62:

"On the blank ballots provided for under the present Article the voter shall write by hand the name of the ticket or the name of one or more candidates of the same ticket in which case it shall be counted in favor of the ticket to which the candidates named belong. In districts electing eleven or more deputies the candidates of the particular ticket whose names are written on the ballot shall be considered to have received preference votes. The same applies to districts where less deputies are elected provided the name of only one candidate is written on the blank ballot."

2. Paragraph 5, Article 52, of Legislative Decree 4274/1962 is superseded by the following:

"The voters referred to in Article 24, paragraph 1, hereof shall vote where stationed on election day for the tickets or independent candidates of the electoral district in whose electoral registers they happen to be listed but without preference crosses. If preference crosses are marked they shall be deemed not to have been recorded but shall not affect the validity of the ballot. A Royal Decree to be issued at the instance of the Minister of Interior shall specify the polling centers where said voters are to exercise their voting rights and shall determine the details regarding envelopes and ballots and the sorting of votes and all other details relating to implementation of the present paragraph."

3. The Royal Decree provided for under paragraph 2 of the present Article shall be issued within 20 days from the entry into effect of the present law.

4. The true meaning of paragraph 1, Article 24, of Law 4274/1962 "amending and supplementing electoral legislation" is that the Army and Civil service voters referred to in that paragraph are not disqualified from exercising their electoral rights, not on the basis of the special lists, but in the polling center where they are registered.

The time and manner in which the voters in question must make known their intention to vote in the Municipality or Commune in whose electoral registers they are listed and all other necessary details shall be determined by decision of the Minister of Interior.

5. The copies of electoral registers of a given district typewritten or printed in alphabetical order or otherwise shall be approved by the President of the Court of First Instance of the district where such work is done.

6. Physicians employed under Law 3487/1955 "on social insurance of farmers" shall for the purpose of implementation of the legislation on the election of deputies be considered as not having the status of salaried civil servants.

7. The last sub-para of paragraph 6, Article 24 of Legislative Decree 4274/1962 is superseded by the following:

"Specifically with regard to Athens and Piraeus it shall be deemed to comprise the whole area of the former Capital Administration including the Municipalities of Acharnai, Salamis and Elefsis, and with regard to Thessaloniki the whole area of the former Municipality of Thessaloniki."

Article 8

Article 53 of Royal Decree 531/1961 on the requisitioning of public quarters considered suitable for use as polling stations is hereby reintroduced to apply in the first elections to be held after the entry into effect hereof.

Article 9

In the first general election to be held after the entry into effect of the present Law those registered in the electoral lists of the Communes of Sirrakos, Aetomilitsa and Kalarita in the Ioannina nomos shall exercise their electoral rights on the basis of their registration on the electoral lists of these communes as they applied before they were revised pursuant to Article 9% et seq of Legislative Decree 4274/1962.

Article 10

As of the proclamation of the first general election to be held as of the entry into effect hereof all nomarchs throughout the country shall be deemed ipso jure as being on regular leave of absence with full pay for a period ending on the day following election day.

2. From the commencement and throughout the duration of the leave of nomarchs in accordance with the pr ding paragraph their duties shall ipso jure and without further notice be taken over by the Prosecutors of Courts of Appeal in those Nomos capitals that are the seats of such courts or by the Prosecutors of Courts of First Instance in those nomos capitals where there are only such courts. In the absence of such Prosecutors or if they should be an absolute obstacle to be judged by the Minister of Interior their replacements shall be appointed by the same Minister from among the Prosecutors or Assistant Prosecutors of Courts of Appeal or Prosecutors of Courts of First Instance. In their duties as Prosecutors they shall be deputized as provided by law while in performing their duties as nomarchs they shall like regular nomarchs come under the Minister of Interior in regard to such duties.

3. The judicial officers referred to in the preceding paragraph shall during such time as they perform the duties of nomarchs be paid compensation equal to the representation allowance which under existing provisions is payable to Nomarchs.

4. During the period from the proclamation of elections up to one day after election day the provision of Article 10 of City Police Organization (Royal Decree of Dec. 31, 1957) shall apply also in regard to the Chief of the Greek Royal Gendarmerie.

Article 11

As of the entry into effect of the present law and until the firm under state contract has fully completed compilation of an alphabetical list of all the voters in the country and until such time as the same firm compiles a special list showing those voters who may be listed in the electoral registers more than once, each party recognized in Parliament shall have the right through a duly authorized representative to follow the work being done by the firm, to receive one copy of the lists showing multiple entries, to establish without the mediation of state services the existence of such multiple entries as disclosed by these lists and to take all necessary action with a view to proving and prosecuting those who voted without having the right to do so or voted repeatedly.

Article 12

1. The next municipal and communal elections are hereby postponed.

2. A Royal Decree to be issued at the instance of the Minister of Interior shall set the date for the conduct of the elections referred to

in the preceding paragraph within four months at the latest from the opening in accordance with Article 69 of the Constitution of the regular session of the new Parliament to result from the forthcoming general election, as well as the date of installation of the new authorities to result from the forthcoming municipal and communal elections within three months from such elections.

The same Royal Decree shall set the time limits under Articles 86, 110, 114, 136, 147 and 215 of the Municipal and Communal Code for election of the agencies therein provided.

3. The term of office of the present municipal and communal authorities and of the agencies referred to in Articles 88, 110, 114, 136, 147 and 215 of the Municipal and Communal Code shall be extended until the new authorities are installed.

Article 13

The provisions of all existing legislation on the election of Deputies as amended and implemented by Legislative Decree 4274/62 and by the present law may by Royal Decree issued at the instance of the Minister of Interior be codified into a single text with changes, if necessary, in the order of chapters, articles, paragraphs and sub-paragraphs, with deletions of the provisions explicitly or tacitly abolished and with corrections and adjustments in phraseology but without any alteration in the meaning of the text.

Article 14

The present Law shall enter into effect as of the date of its publication in the Official Gazette.

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